



Legislation Details (With Text)

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Title: Resolution calling upon the Mayor, the Chancellor of the Department of Education and government officials to protect the First Amendment rights of students.

Sponsors: Charles Barron, Maria Baez, Yvette D. Clarke, Leroy G. Comrie, Jr., John C. Liu, Miguel Martinez, Annabel Palma, Albert Vann

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Res. No. 792

Resolution calling upon the Mayor, the Chancellor of the Department of Education and government officials to protect the First Amendment rights of students.

By Council Members Barron, Baez, Clarke, Comrie, Liu, Martinez, Palma and Vann

Whereas, The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference; and

Whereas, Freedom of expression embodies the rights to freedom of speech, press, assembly and to petition the government for a redress of grievances, and the implied rights of association and belief; and

Whereas, The due process clause of the Fourteenth Amendment protects the rights in the First Amendment from interference by state government; and

Whereas, The Department of Education, an instrument of the State of New York, must uphold the rights conferred by the First and Fourteenth Amendment; and

Whereas, Safeguarding of freedom of speech is integral to our society, our system of education and the

mental and emotional development of our students, and

Whereas, The Department of Education recently violated the First Amendment rights of Tiffany Schley, a valedictorian student whose diploma was withheld in response to critical statements made during her graduation speech, during which Ms. Schley sought to bring to light the dissatisfaction of the students in her school; and

Whereas, Such reprisals violated Ms. Schley's First Amendment rights and are especially unconscionable when committed by an educational institution whose duty and goal should be to protect the rights and well-being of students; and

Whereas, Although the Department of Education reversed its decision to withhold Ms. Schley's diploma, the actions of the Department of Education with respect to her speech sends a harmful message to all students, in addition to the rest of society, that the First Amendment rights of our students and citizens are not guaranteed by the institutions of the State of New York; and

Whereas, The retaliatory actions of the Department of Education in the face of a student's exercise of free speech rights effectively places restrictions on and minimizes the need to protect the First Amendment, one of the most cherished bodies of rights afforded to the people of the State of New York by the Constitution of the United States; and

Whereas, The actions of the Department of Education fail to teach our students about the inherent value of the First Amendment as one of the bedrocks of our system of government and American democracy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor, the Chancellor of the Department of Education, and government officials to protect the First Amendment rights of students; and be it further

Resolved that this resolution be entitled the Tiffany Schley Student Free Speech Resolution.

MHG
LS # 1426
January 27, 2005